

# Law Enforcement News

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## Secrets of success

### Study weighs factors that can boost homicide clearance rates

Police practices and procedures when investigating a murder — and not the circumstances of the crime — can have the greater impact on whether the case gets closed, according to a National Institute of Justice study that provides a rare look into the factors that help determine homicide clearance rates.

The report, "An Analysis of Variables Affecting the Clearance of Homicides: A Multistate Study," examined the percentage of murders that end in arrest in four unidentified major American cities, collecting a wide range of data on 800 cases. Despite plummeting homicide clearance rates around the nation during the past 30 years — from 94 percent in 1961 to 67 percent in 1996 — the level in individual departments has remained stable, the study found.

That stability suggests that other, persistent factors are affecting law enforcement agencies' ability to clear homicide cases, said the study's lead author, Charles Wellford, a criminologist at the University Maryland.

For example, those agencies that had high murder rates and high clearance rates in 1980 continued that trend until 1994, despite a drop of more than 7 percent in homicide clearances between 1980 and 1996 nationwide. That pattern

also held true for those locations with low homicide rates and low clearance, high rates and low clearance, and low rates and high clearance.

The cities used in the research, while not identified by name, were among the largest municipalities in the nation with the highest levels of homicide in 1994, according to the study. City A's police department consistently cleared homicides and other serious crimes. City B's had a low clearance rate for the total number of crimes, including homicides. In City C, police had a high total crime clearance rate, but a low clearance rate for homicides. And in City D, a high percentage of homicides were solved, but the total crime clearance rate was low.

"We think this is a piece of research that pretty clearly demonstrates that police make a difference and in that sense, it runs counter to some very prominent pieces of work that suggest that might not be the case," Wellford told Law Enforcement News. "If you go back to the premier study, the Rand study, back in the 1970s, the conclusion was that clearances by detectives seemed to be related more to case characteristics than to the things detectives did."

Singled out by Wellford and his co-author, James Cronin, are 51 characteristics of homicide

cases and investigative practices that they found to be closely associated with clearance. While 14 of these are elements which police have no control over, such as location of the murder, the victim's race, and whether there was an eyewitness, 37 are related to investigative practices. These include the number of detectives assigned to the case, whether the first officer on the scene notified the medical examiner and the homicide unit, attempts to locate witnesses, and detectives' presence at postmortem examinations.

According to the study, a case was more than twice as likely to be solved if three, four or 11 detectives were assigned as compared to just one. For reasons that were not explained, however, one detective was found to be better than having seven or eight, which drops the odds. Another significant factor, the study said, was the time it took detectives to arrive at the crime scene. Investigators are more likely to clear a homicide if they arrive within 30 minutes of being notified, as compared to a half an hour or longer.

Also, following up on witness information made it more than twice as likely that a case would be solved and if that information proved valuable, more than 17 times as likely. The study

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## One hurdle down, three more looming, as 4 NY cops are cleared in Diallo shooting

The trial judge may have declared "case closed" after an Albany jury voted this month to acquit four New York City police officers charged with the fatal shooting of Amadou Diallo, but in fact the case may be far from over. Still to come are an internal investigation of the officers by the NYPD, a wrongful-death suit by the victim's family, and a review by Federal prosecutors of whether the officers violated Diallo's civil rights.

Citing the "public clamor" that had preceded the trial, the state Supreme Court's Appellate Division had ordered the case moved to Albany County where, on Feb. 25, after a four-week trial, a panel of eight white and four black jurors found Officers Kenneth Boss, 28, Sean Carroll, 37, Edward McMellon, 27, and Richard Murphy, 27, not guilty of all charges ranging from second-degree murder to reckless endangerment.

Although the state's criminal trial is over, the officers may still face criminal charges at the federal level. Mary Jo White, the United States Attorney in Manhattan, said the Justice Department's Civil Rights Division would be reviewing the shooting to see if any civil rights laws had been broken. The city also faces a potential multimillion-dollar wrongful death lawsuit that Diallo's parents have said they would file.

At a City Hall news conference the day after the jury's verdict, Police Commissioner Howard Safir called on Justice Department officials to make up their minds on whether to bring charges. Safir asserted that he felt no such action was warranted, and said the criminal case against the four officers had prevented the department from conducting its own investigation.

All of the officers have been reassigned to desk duty and will not be allowed to carry firearms until the probe is completed, said Marilyn Mode, the NYPD's deputy commissioner for public information.

Although the officers cleared an important hurdle with their acquittals, they could still lose their jobs if an internal investigation finds that they violated departmental rules on discharging weapons. Mode told The New York Times that she expected the probe to be completed in a year.

The verdict confirmed the worst expectations of many in the city's minority community, while eliciting praise from city and police officials. Said Mayor Rudolph Giuliani: "It fills me with profound respect for being an American and for living in a country that has trial by jury."

Dozens of ministers belonging to the Bronx Clergy Task Force, a group formed in the aftermath of the Diallo shooting last year, made an appeal for calm in the days leading up to the verdict. The Rev. Dr. Timothy Birkett, pastor of Church Alive Ministries, said,

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## Do you get what you pay for? San Diego volunteers show it ain't necessarily so

Reducing crime is not a task the San Diego Police Department specifically assigns to its massive volunteer work force, but you won't hear top agency brass complaining about that particular side effect, either.

A quarterly report to the City Council's Public Safety and Neighborhood Services Committee this month showed overall crime down by 9 percent — the 10th straight year of declining figures, achieved despite a 35.7-percent rise in the city's murder rate compared to 1998. San Diego's violent crime rate alone dropped by 15.3 percent last year. With a total crime index of 39.81, a combination of reported violent and property crimes per 100,000 residents, the city reached its lowest level of offenses committed since 1967.

Some of the credit for that reduction was shared by the department with

its nearly 1,100 volunteers, who were singled out by Chief David Bejarano for their contribution.

With just over 2,000 sworn officers and some 680 paid civilians on staff, the volunteers make up nearly one-fourth of the department, said Officer Cynthia Hanna, who heads Volunteers in Policing, one of five volunteer programs within the SDPD. Last year, they donated roughly 198,400 hours, or about \$2.8 million worth of unpaid labor. "We would be lost without them," she told Law Enforcement News.

Bejarano has been so supportive of the volunteers that he has assigned two to his own staff to help develop a monthly newsletter that will be distributed to all sworn personnel, said Hanna. Her group, the VIPs, can be anyone 18 or older and usually work in-house at the gang unit or vice. In the last year,

then duties have been expanded to include cold cases and victim referrals with the domestic violence unit.

Along with the VIPs, the department also has a Retired Senior Volunteer Patrol (RSVP), made up of citizens 55 or older, a crisis intervention group, an interpreters group, and the emergency management volunteers.

All volunteers undergo a background check, said Hanna, and the department rejects anyone with a history of drug use, any felony or misdemeanor convictions, or those on probation or parole. "That breeds confidence in the paid and sworn personnel, who also had to go through backgrounds, she said. "We weed out a lot of people."

Jerry Sanders, who retired as police chief last April and now serves as executive director for the United Way of San Diego, said, "We had retired busi-

ness CEOs, retired airline pilots, retired FBI, homemakers and retired firefighters." During Sanders' tenure, volunteers handled anything from typing reports to programming computers, from conducting surveys to doing fingerprinting work in district commands. They staffed the agency's 30 storefronts, keeping the facilities open and answering phones, he said.

"They really did just about everything you can imagine," Sanders told LEN. "A lot depended on their set of skills. For instance, we had a retired researcher from the Rand Corp. who had a master's from MIT [Massachusetts Institute of Technology]. He basically did a lot of our computer programming, our survey writing, that sort of stuff. We had other people who pumped gas out of the gas station. It depended

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# Around the Nation

## Northeast

### DISTRICT OF COLUMBIA

Since November, three taxi drivers have been killed in robbery attempts in the district, prompting Councilman Harold Brazil to propose aid for drivers in procuring cell phones, cameras and bullet-resistant shirts. The district has 6,200 licensed taxi drivers.

**MAINE** — To bolster his war against domestic abuse, Gov. Angus King declared that he would seek funding to hire three additional prosecutors in addition to a \$287 million package covering salaries of the five existing prosecutors. His changes to the tax and spend bill will be considered by the Legislature's appropriations committee.

**MARYLAND** — State Senator Jean Rosser was set to introduce a bill that would establish the crime of homicide by aggressive driving. The anti-road rage bill would call for a penalty of up to three years in prison for offenders.

Only 31 public school students in the state were expelled for bringing guns to school in 1999, a decrease of 57 percent from the previous year, when sixty-four students were expelled for bringing guns to class.

Baltimore County prosecutors are considering the death penalty for all four men charged in the killing of police Sgt. Bruce A. Prothero, who was shot this month during a chase outside of a Pikesville jewelry store. Richard Antonio Moore, 29, Wesley John Moore, 24, Troy White, 25, and Donald Antonio White, 19, have been charged with first-degree murder and robbery. The Moore brothers, who were arrested Feb. 19 in North Philadelphia following a manhunt, face a March 6 extradition hearing.

**MASSACHUSETTS** — Holyoke police held a gun buyback amnesty on Feb. 17 and 18, at which people could exchange working firearms in exchange for \$40 vouchers. The program was implemented in response to the Dec. 22 death of city patrolman John DiNapoli and two other recent shooting deaths.

Three bills are pending before the state Legislature that would ban the use of cell phones while driving. One of them would bar school bus drivers from using cell phones except in emergencies.

**NEW JERSEY** — Crime in the state dropped 10 percent for the first six months in 1999, according to a preliminary report released by Gov. Christine Todd Whitman. There were 140 murders, down from 155 during the same period a year earlier. Burglaries of private residences were down more than 3,500, to 14,875.

State Police divers using a metal detector to search the bottom of the Rahway River turned up a small silver gun they believe might have been used to kill Rahway Officer Charles Bemskie during a robbery in 1958. An admitted accomplice in the killing, Theodore Schiffer, 61, directed police to the location. Schiffer said his cousin, imprisoned killer Robert Zarnitsky, 59, pulled the trigger. Zarnitsky has been in

jail since 1975 for the 1969 killing of 17-year-old Rosemary Calandrello of Atlantic Highlands.

Former Harrington Park officer Gary R. Stayback, who resigned last summer after he was charged with sexually abusing two young girls, was indicted Feb. 22 on charges that he molested six girls over several years. The charges state that Stayback molested friends of his children at his home.

**NEW YORK** — A proposal advocated by Gov. George Pataki would require anyone convicted of a crime under New York's penal code to submit a DNA sample to the state. Currently, 65 percent of all felons are required to give such samples. Under the plan, even those convicted of rent-gouging or corporate misconduct would have to submit samples. The Governor also proposed eliminating the five-year statute of limitations on 16 felony crimes, including assault, manslaughter and first-degree rape.

Two moonlighting New York City police officers were arrested Feb. 6 and charged with stealing \$11,000 worth of hats, belts, reptile-skin shoes and other merchandise. Officer Melvin Leighton, 41, and Officer William Mason, 45, both of the department's Transit Bureau, allegedly committed the Harlem clothing store theft while they were working as security guards — off-duty jobs they had taken without department approval. The two were suspended pending the outcome of the charges.

Capping a 10-month investigation, police busted a multimillion-dollar smuggling network in New York City that brought 100,000 Ecstasy tablets a week into the city and other states. At least 61 people were under arrest or being sought in the international ring, which stretched from New York to California, and investigators seized 300,000 tablets and \$550,000 in cash. Israeli nationals were said to have smuggled the drugs into the city. The alleged ring leader Oshri Amar, 22, was still at large and believed to be in Florida.

Deputy Insp. James Burns of the NYPD Internal Affairs Bureau was first demoted to captain and then dismissed Feb. 13 by Police Commissioner Howard Safir for sexual harassment of a male subordinate. One detective told an investigator that Burns touched his genitals on four occasions. A second officer filed suit against Burns, reporting similar experiences.

A federal jury in Manhattan ruled Feb. 15 that the rights of two men were violated by the NYPD Street Crimes Unit when they were stopped in 1997. One of the men testified that he was dragged from his car and beaten, while the other said he was held at gunpoint. Both men were released at the time without being charged. The jury's damage award was considered negligible, at \$2,500 for one man and just \$1 for the other. Officers Brendan Connolly and Andrew Carraro denied any wrongdoing.

Mayor Rudolph Giuliani addressed a graduating class of more than a thousand police cadets on Feb. 22, telling them that critics of the NYPD are bigots who engage in "sick" irrational, hateful thinking. The comments were immediately denounced by the executive director of the New York Civil Lib-

erties Union, Norman Siegel, who said they were dangerous and tasteless.

Corrections officials at New York City's Rikers Island jail have detained more than 180 visitors in the past 10 months on outstanding warrants, apparently because of the high volume of wanted fugitives who come to visit friends behind bars. Officials began running computer checks on visitors last year. The New York City Department of Correction arrested 282 visitors in 1998 and 347 in 1999. In one case, a Rikers Island visitor attempted to smuggle in 15 small bags of marijuana hidden in her bra.

**PENNSYLVANIA** — A 6-year-old Tarentum kindergartner, Jesse Gervasoni, came to school with a nail file and was suspended for 10 days for bringing a weapon to class. It was not yet clear whether the youngster would be expelled.

Former Westmoreland County sheriff's sergeant Luigi "Gino" Ferrari has admitted stealing 16 guns from the Greensburg courthouse and said he would testify against his ex-boss, former sheriff Gary W. Uhrin. Uhrin was arrested Jan. 18 on charges of illegal use of campaign funds. As part of the plea bargain, 43 counts lodged against Ferrari were dropped. Ferrari, who resigned Jan. 28, was due to be sentenced after he testified against Uhrin.

Former Pittsburgh officer Keith F. Moss was fired for the third time in mid-February after being convicted of insurance fraud in November. An arbitrator had previously ordered him reinstated on a full-time basis. Moss was fired in 1996 for the same offense but was reinstated at that time as well. Another Pittsburgh officer, Keith McAndrews, who had been fired for stealing crack cocaine from an evidence locker, returned to the force on Feb. 14. The recovering drug addict was ordered to undergo retraining classes.

## Southeast

**ALABAMA** — A proposed "pay-to-stay" measure, which would allow counties to charge inmates for the time that they spend in prison, has gained the support of county officials around the state. The legislation is said to target parents who leave their children in juvenile lockups. If passed, the bill would charge parents up to \$40 per day for each child confined. Adult offenders would have to pay up to \$45 per day.

**FLORIDA** — A police crackdown in the South Beach section of Miami Beach has targeted minors and angered clubs in the trendy neighborhood. More than 370 curfew-violators have been detained since mid-January, and more than 15 felony arrests have been made. The 600 block of Washington Avenue has proved lucrative for officers in search of criminals, such as one 12-year-old pregnant girl who had sawed off her house-arrest ankle, and seven bartenders who were arrested for serving alcohol to minors. Police have been

lobbying for a minimum club entry age of 21.

Terry Melvin Sims became the first Florida inmate to be executed by lethal injection when he was put to death on Feb. 23. In January, the state allowed its 366 death-row inmates to choose between the electric chair and lethal injection. Sims was convicted of shooting George Pfeil, a 55-year-old off-duty sheriff's deputy, during a drug store robbery in 1977.

**GEORGIA** — Animal cruelty, now a misdemeanor, would become a felony under a bill approved by the House Agriculture Committee. Those maiming or killing animals would face up to five years in prison and a \$100,000 fine.

The death-penalty trial of accused cop-killer Byron Fleming, 33, began in Gwinnett County on Feb. 14, with the outcome possibly turning on whether Sheriff's Deputy Kenneth Wimberly was on duty when he was fatally shot with his own gun on Sept. 22, 1998. Wimberly was not in uniform or on shift at the time of the killing, but was shot while working as a security guard at an apartment complex after a struggle with Fleming, who was disturbing residents by preaching loudly. The death penalty can only be imposed if the jury finds Wimberly was killed while carrying out his official duties.

**LOUISIANA** — Civil District Judge Lloyd Medley ruled Feb. 28 that the City of New Orleans may proceed with lawsuits against gun manufacturers over harm caused by their weapons. The judge threw out state laws intended to shield gun makers from such suits. The city claims gun makers should be held responsible for making a product that does not have adequate safety protection.

The blood test of Gulfport, Miss., Police Officer Mark Hatfield showed he was intoxicated with a blood-alcohol level of .17 when he crashed into a pair of patrol cars and seriously injured two New Orleans officers on Feb. 12. Officer Christopher Ahner, 32, suffered crushed legs and a broken neck, while Officer Christian Hart, 27, broke both of his legs. The 28-year-old Hatfield resigned on Feb. 21. He had been with the Gulfport department for over three years.

**NORTH CAROLINA** — The Wal-Mart store in Shelby proved an ideal recruitment center for prospective jurors on Feb. 21, when Judge Don Bridges of the Cleveland County Civil and Criminal Superior Court ordered the sheriff's office to find 55 replacements for his jury box. Subpoenas flew around the big-box superstore, and some shoppers who were ordered to report for jury duty complained that they had only 30 minutes to collect themselves before being ushered into the courtroom.

## Midwest

**ILLINOIS** — After Gov. George Ryan declared a moratorium on executions in the state in late January, some critics of the death penalty have begun rallying support for a different proposal that

would ban executions of mentally retarded defendants. If passed, the proposal would make Illinois the 13th death-penalty state to prohibit capital punishment for such persons. In 1989, the U.S. Supreme Court allowed such executions to take place, arguing that there was no consensus for exempting the mentally retarded from death sentences.

**INDIANA** — Oakland City Police Officer Michael Deno, 22, died Feb. 29, one day after being shot in the head during a traffic stop. Richard Branum, 24, was charged with killing the one-year veteran.

A new version of hate crimes legislation has been endorsed by the state House Judiciary Committee. Although the new bill does not include enhanced penalties for hate crimes, it does create a system to track them and requires police to report such crimes.

**MICHIGAN** — Cass County Prosecutor Scott Teter gave out the county's 2000 Law Enforcement Awards on Feb. 4. Among those honored was James Uebler, who retired in December as a detective sergeant with the Michigan State Police. The entire Dowagiac Police Department was honored twice, for the convictions of James Martin and Suzette Smith. Martin robbed a liquor store and sexually assaulted the clerk, while Smith was convicted of maintaining a drug house. Chief Tom Atkinson accepted the awards. It was the first time an entire department had received such an honor.

Retiring from the St. Joseph County Police Department on Feb. 5 was Charles R. Feirrell, who reported he was shot in the leg on Dec. 3 while off-duty as he got out of his cruiser. But Feirrell faces felony charges of bigamy for marrying Amanda Hart, after it was discovered that he was not divorced from his second wife, Susan Feirrell. And Feirrell may not receive full pension benefits because it is unclear whether his seniority accrued while he was with the United Nations peace-keeping force in Bosnia in 1998.

**OHIO** — Bank robberies in Southern Ohio soared almost 60 percent last year to 238, up from 150 in 1998. The FBI was looking into the unexpected increase.

## Plains States

**KANSAS** — A proposal by Gov. Bill Graves would end state-sanctioned gun sales. Currently, the Department of Revenue is required to sell seized weapons.

**MINNESOTA** — Gang problems appear to be spreading throughout the state, as a statewide task force recently identified 110 people meeting the state's definition of a gang member. Officials speculate that the promise of new drug markets has siphoned gang activity from Chicago and Minneapolis/St. Paul to outlying areas like Duluth and Superior.

**NEBRASKA** — Texas survivalist Charles Lannis Moses Jr., who was



wanted in the killing of a farmer and the wounding of two law enforcement officials, surrendered Feb. 17 after a search involving military helicopters and more than 100 state troopers. Moses, 31, shot Trooper Jeff Crymble, 28, and Lincoln County Deputy Stan McKnight, 53, after police attempted to arrest him on Texas weapons charges. He also is believed to have killed Paxton farmer Robert Sedlacek. Police said they were hampered in the search due to dead spots in the low-frequency police radio system.

**SOUTH DAKOTA** — The number of registered sex offenders living in the state has more than doubled since 1995, from 439 to 1,027 as of December 1999.



**ARIZONA** — State police officials are lobbying to defeat pending legislation that would bar local governments from enacting gun-control measures. The bill has already passed the state House, and is currently awaiting action by the Senate.

Anthony Lee Chaney, who shot and killed Coconino County Reserve Deputy John Jamison in 1982, was executed by lethal injection Feb. 16. He had shot at the deputy more than 30 times with a semiautomatic assault rifle.

Tommy Lynn Sells allegedly confessed to Tucson homicide Detective Karen Wright that he killed Kent A. Lauten, a 40-year-old transient, with a pocket-knife after the two men had fought over money in 1988. Sells also allegedly admitted to slitting the throats of Kayline Harris, 13, and Krystal Surles, 11, near Del Rio, Texas, on Dec. 31, and to raping and killing a 13-year-old girl in Kentucky. He was being held in a Del Rio jail.

**OKLAHOMA** — The Oklahoma Court of Criminal Appeals has set an

April 27 execution date for convicted cop killer Ronald Keith Boyd, 42. On Jan. 7, 1986, Boyd shot and killed Oklahoma City Police Officer Richard Dldham Riggs, 32, after Boyd and a woman had robbed a convenience store. After shooting the officer in the abdomen, Boyd pressed his gun against Riggs's chest and fired a second time. Boyd's final appeal to the U.S. Supreme Court was turned down.

**TEXAS** — Dallas Police Chief Terrell Bolton has fired Officer Daniel Maples in the midst of charges that the 27-year-old officer stole thousands of dollars from people he detained. Maples was dismissed after he failed to appear for a disciplinary hearing. Bolton also fired Officer Quentis Roper, 33, Maples' alleged partner in the extortion scheme.

Auto-burglary suspects Miguel Sanchez, 28, and Joe Juarez Lopez, 25, have been charged with attempted capital murder in the vehicular attack on Fort Worth Police Officer Joan Gray. Sanchez and Lopez were passengers in a pickup truck that struck the officer on Feb. 12. The driver was shot to death by police as he attempted to flee. Gray, who was working on an auto-burglary sting, was treated for injuries and released.



**CALIFORNIA** — Los Angeles Det. James Vojtecky testified Feb. 22 that a bank robber wounded in a 1997 North Hollywood shootout attempted to bleed to death by moving around. The officer was testifying in a federal civil rights suit alleging that police let the wounded man die when he could have received medical attention. Emil Matasareanu was shot 29 times in a televised gun battle in which 11 officers were wounded and 7 civilians were hurt. Matasareanu and his accomplice fired 1,100 rounds from automatic weapons before they were fatally wounded by officers who returned fire with 500

rounds of their own.

The road rage-related death of Leo, an 18-pound bichon frise who was hurled into traffic and hit by a van on Feb. 11, has sparked a national outrage and the posting of a \$40,000 reward for information leading to the man who pulled the dog from a car near the San Jose airport. The dog's owner, Sara McBurnett, had been driving to the airport to pick up her husband when a black sport-utility vehicle with Virginia plates cut in front of her, causing her to hit the vehicle's bumper. The driver grabbed the dog through McBurnett's open window and tossed it into traffic. The malicious killing of an animal carries a \$20,000 fine and prison time under California law.

Rene Rodriguez, the Riverside officer who reported hearing racial slurs after the fatal police shooting of Tyisha Miller in December 1998, has left the force, citing fear of retaliation from his co-workers. Rodriguez said two white policemen made racially insensitive

remarks after four other white officers killed Miller on Dec. 28, 1998, as she lay unconscious in an idling car with a gun in her lap.

The Los Angeles Police Department has been sued by two agents for the federal Immigration and Naturalization Service, who say they were roughed up for no reason by police officers while they were working. INS agents Shawn Butler and Ezequiel Garcia allege that 10 police officers threatened and abused them while police were looking for people selling fake green cards.

Two San Diego police officers were wounded in a shootout on Feb. 21 when a suspected prowler pulled a gun at the Marriott Suites hotel and fired at officers. One officer was hit in the upper body, and the other was hit in the arm. The suspect was shot dead by police. The names of those involved in the incident were not immediately available.

**IDAHO** — The state House has given the green light to a plan that would stan-

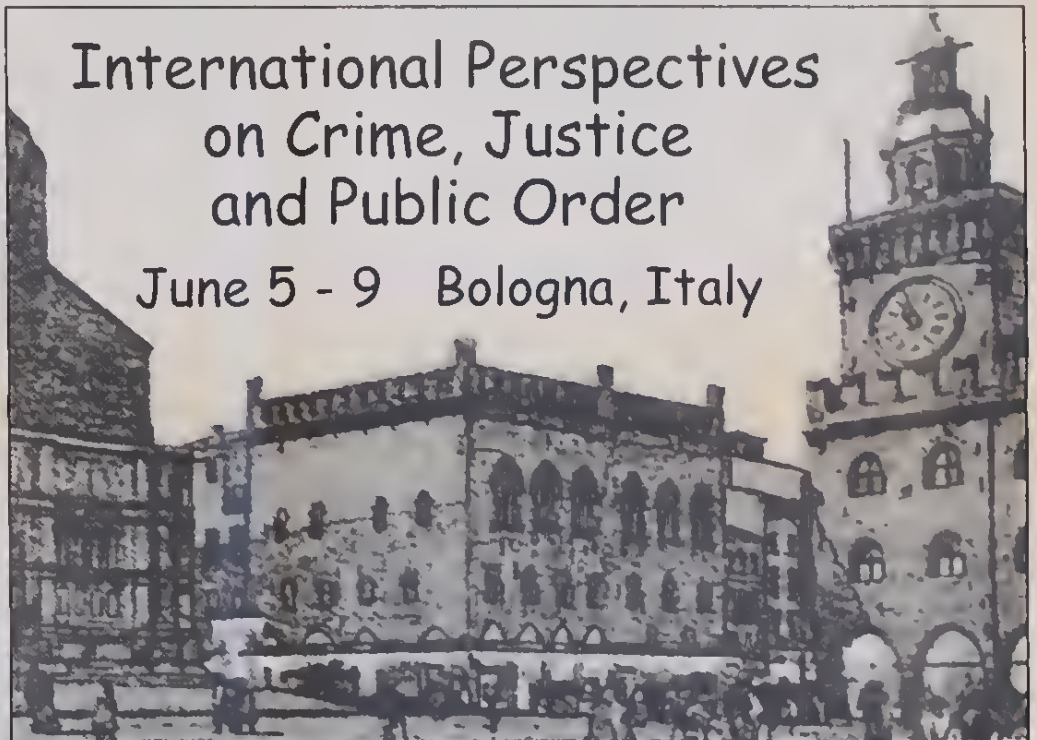
dardize death investigation procedures statewide. The plan would create an office of the state medical examiner, a novel entity in a state that uses county coroners to conduct death inquests.

Former Boise officer Randall Hayes was sentenced Feb. 29 to 3 to 10 years in prison for the statutory rape of a 15-year-old girl while he was on duty in 1998. Hayes admitted picking up the girl after she was suspected of shoplifting, and then taking her to his house to have sex.

**OREGON** — State higher education officials want to repeal a law that bans security guards at public universities from carrying guns. Oregon is apparently the last state with such a law on the books. The Board of Education was reportedly ready to consider the request.

Project HomeSafe, sponsored by the National Shooting Sports Foundation, was set to help the Marion County Sheriff's Office give away 2,000 gun locks to county residents.

## International Perspectives on Crime, Justice and Public Order June 5 - 9 Bologna, Italy



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## Reckless drivers may end up walking in NYC

A program to get drunken drivers off the streets by seizing their vehicles has proved so successful in New York City that officials are trying it out on reckless drivers.

In January, a man accused of driving his 1988 Buick LeSabre at 117 miles per hour became the first motorist to be arrested under the new policy. The case is being cited by police as a prime example of why reckless drivers should face charges and lose their cars.

Police identified the driver as Peter Ruggeri, 38. He was pulled over by two highway unit officers at 2:40 A.M. as he drove along a stretch of the Belt Parkway in Brooklyn where the posted speed limit is 50 miles per hour.

According to motor-vehicle records from Florida, where Ruggeri once lived, he has twice been charged with drunken driving and faced speeding and other charges on separate occasions. New York City police charged him with driving while intoxicated, a misde-

meanor, and reckless endangerment, a felony punishable by up to seven years in prison. He was also charged with reckless driving, another misdemeanor.

The New York Civil Liberties Union has called the new policy unfair and not based on state law. The group previously filed suit challenging the city's DWI confiscation policy, but that program has already withstood two court tests. Norman Siegel, the NYCLU's executive director, said the reckless-driving policy may be more vulnerable to legal challenges because arrests and seizures are based on the subjective observations of police.

But the NYPD has countered that officers look for telltales such as three dangerous moves or driving at twice the speed limit before making arrests and confiscating cars. They later decide whether to pursue civil forfeiture of the vehicle. As with the city's DWI policy, that action may be taken even if the driver is acquitted criminally.



# People & Places

## Warming up to U.S.

Policing may be easier in Great Britain, but one can't beat Southern California's climate, according to an expatriate Scottish police officer, **Paul Cumming**, who is now a member of the Oxnard Police Department and will be the subject of a BBC documentary in April.

As a constable with the Strathclyde Regional Police, Cumming was among the officers who searched for bodies and pieces of debris from a Boeing 747 that was brought down by a terrorist bomb over Lockerbie, Scotland in 1988. He emigrated to the United States a few years later after visiting friends and noting the warm, sunny climate of the Los Angeles area. "I wanted to join the Los Angeles Police Department," he said, "but there were no openings at the time I applied."

Instead, he joined a private security firm that provided services for celebrities and high-profile business executives. Cumming was on duty at the 1992 Academy Awards ceremonies. In 1993, he joined the Oxnard force during a recruitment campaign. Three years later he was assigned to the department's SWAT team.

Crew members for a BBC 1 series, "Brits Abroad," which examines the lives of Britons living in Southern California, the Far East, Eastern Europe and other parts of the world, followed Cumming through his daily life for one week last October. Either Cumming has an extraordinarily exciting life, or the film crew's timing was impeccable.

During that week, the documentar-

ians got to see their countryman break up a wild party on the brink of going out of control, have an encounter with a street gang, lead a SWAT team in a surprise bust of three suspected drug dealers — one of whom had been previously convicted of homicide — and welcome his second son into the world.

In comparing policing in the United States to Great Britain, Cumming, who was promoted to senior officer during the BBC crew's visit, believes that widespread gun ownership makes law enforcement a far more dangerous job here than it is in the U.K. "Guns are a way of life in the United States," he said. "In Britain, even the police rarely carry firearms."

The British public is also more respectful of and cooperative toward police officers, said Cumming, as well as being less litigious. "This helps make it easier to go about doing police work in Britain," he said. For example, a man was brought before a sheriff for insulting an officer. "Not assaulting. Insulting," Cumming emphasized. "The man admitted violating the law against insulting a police officer. Bang. A fine of £400. The man also admitted having resisted arrest. Bang. 60 days in jail."

## He's ba-a-a-ck

For 30 years, readers of Crime Control Digest got their criminal justice news served up to them with a generous dose of folksy, possum-pie humor courtesy of editor and publisher **Richard J. "Dick" O'Connell**. Although the publication was sold in 1997 — and with it went CCD's down-home flavor — a new publication with the O'Connell touch can now be found on the World Wide Web.

"Everything we have done over all these years, we've tried to incorporate into this particular thing, this delivery method of the Internet," O'Connell told Law Enforcement News. His new online periodical, **Crimenewsnet.com**, offers subscribers six different newsletters on juvenile crime, police supervision, organized crime, crime technology and street enforcement.

Crimenewsnet, the site's flagship publication, will give readers much the same type of information that could be found in CCD, including court decisions, legislation, statistical reports and Congressional hearings. The site also hosts a law enforcement chat room. "I'm just doing the same thing I did before," he said.

Crime Control Digest was founded by O'Connell's father, **Ed O'Connell**, a newspaperman who began his journalism career during World War I. In 1967, the senior O'Connell was nudged in downtown Washington, D.C. "He came walking into the office," said O'Connell. "Someone had tore his pants and tried to take his money, and he said, 'You know, crime is going to be the next growth industry in this country.'" After doing a search of publications, they found the field wide open.

Dick O'Connell learned the newspaper trade at American University and at the University of Alabama, where he earned a master's degree in journalism. He jokes that he also studied at the school of Ed O'Connell — "the toughest school there is." O'Connell moved to the nation's capital from Alabama in 1964 because he did not want to raise

his family there. "Alabama during the mid-60's was not a real good place to be," he said.

A life member of the of the National Sheriffs' Association, O'Connell is also an associate member of the International Association of Chiefs of Police. In 1997, his 39-year-old son, Rick, died of a heart attack. It was one of the reasons, O'Connell said, he decided to sell Crime Control Digest. The sale has since resulted in a civil suit over alleged broken promises and moneys owed.

Still, he said: "I enjoyed doing the publication. I had a great time. I hope it was good enough for an awful lot of folks. It served a very good purpose."

## Ultimate sacrifice

It may have taken 100 years, but **Officer Levi Neal**, the first African American to serve as a police officer in Texas, finally received the honor he deserved from the state's law enforcement community for having sacrificed his own life for that of a fellow officer.

Neal, a lawman in Bryan, about 90 miles northeast of Austin, was killed on Feb. 24, 1900. According to newspaper accounts at the time, he was a veteran officer who rescued a colleague during a jailbreak and subsequent shootout. His funeral was attended by hundreds in Bryan's black community.

His story was discovered by **Ronald G. DeLord**, president of the Combined Law Enforcement Associations of Texas (CLEAT), who was researching a book, "The Ultimate Sacrifice," that the organization will publish to honor all of the state's fallen officers, dating back to the days when Texas was still an independent nation.

"It is fitting that Officer Neal not be forgotten by the Texas law enforcement community," DeLord said. "He was the first black officer of record who served

in our state. In an era of segregation he served his community with honor and distinction."

While Neal's grave in the free man's section of the Bryan City Cemetery is no longer marked, officials located the area where he was laid to rest a century ago. On the anniversary of his death, CLEAT and the Bryan Police Department held a ceremony with officers serving as an honor guard. DeLord said that the organization wants a gravestone erected to honor Neal's memory. "His memory deserves to be honored by his fellow officers even if it is 100 years later," said DeLord.

## All in the family

For Barrett Township, Pa., Police Chief **Robert LaBar**, the job has always taken precedence over weddings, funerals, graduations and birthdays. But after 32 years in law enforcement, 28 of them as chief, LaBar is ready to spend some downtime with his family. In March, he will retire as Monroe County's longest-serving chief.

"I always gave 100 percent of myself but I'm slowing down," he told The Pocono Record. "I'm just getting burned out. I used to know everyone here — where they lived, what they did, how many kids they had, but now I don't know many at all."

But Barrett is still a quiet town, with the lowest crime rate in the county. The department's young, aggressive offic-

ers, said LaBar, do not tolerate much. There have been two unsolved bank robberies, but since the FBI could not catch the perpetrators, he said he did not feel too badly about his officers not catching them, either.

In 30 years, there has been just one murder, and that still bothers LaBar. John Leonard was shot to death in the doorway of a local inn in September 1970. No one was ever caught and the motive for the crime was never discovered. "It has always stuck out in my mind," he said. "I wish I could have caught him for the victim's five children."

LaBar graduated from high school with Stroud Township Police Chief **Frank Messerle**, and Pocono Township Chief **Rick Staples**. Even then, he said, he wanted a career in law enforcement. "I've wanted to be a cop since my neighbor, Mr. Swank, would come home from work in his fancy uniform and his police car when I was a kid," said LaBar. "I just took to the idea."

On March 7, when LaBar officially retires, command of the Barrett Police Department will be assumed by **Steve Williams**, the assistant chief. "I think Steve will do really well with the community," LaBar told The Record.

LaBar has been married for 32 years. His wife, **May**, has always been understanding, he said, when he had to miss family events. "I missed a lot with my wife and kids because of my dedication to my job, but it won't be that way with my grandkids," he said. The couple have two sons, **Christopher**, 32, and **Joshua**, 19, and two grandchildren, ages 11 weeks and 2 years.

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Photo: Bill Ramos

## Hello, central?

As a Newark, N.J., police aide fields a call, Deputy Police Director **Rocco Malanga** (r.) describes some of the functioning and features of the city's new Public Safety Communications Center to Mayor **Sharpe James**. The \$3.75-million building, which opened on Jan. 20, provides communications and command facilities for the Newark police and fire departments, and an emergency operations center for disasters.



# Cops covered for intervening in domestic violence

Law enforcement agencies and victims' advocates alike are breathing easier since the New Jersey Supreme Court reversed a lower court's decision, restoring qualified immunity for police officers who intervene in domestic violence disputes.

In *Wildoner v. The Borough of Ramsey*, which was decided on Jan. 31, the justices held that sworn personnel could not be sued as long as they acted in a reasonable manner in the course of performing their job. The decision stemmed from a 1993 case involving two Ramsey police officers, Kane Zuhone and Brian O'Donohue, who responded to a call made by a concerned

neighbor who had overheard loud, abusive language coming from the apartment of Arthur and Cecilia Wildoner, including a threat by Wildoner to throw a knife at his wife.

The neighbor's story was confirmed when the officers saw a knife on the kitchen floor and a red mark on Mrs. Wildoner's arm. They arrested Wildoner and charged him with simple assault, despite his wife's refusal to sign a domestic violence complaint.

Under a provision of the sweeping Domestic Violence Act that was passed by legislators in 1994, police are mandated to sign complaints in cases where there is injury to the victim, or where the victim attests to having been battered.

But once the assault charge against Wildoner was dismissed by a municipal court, he filed suit charging false arrest, false imprisonment, mistreatment and malicious prosecution. The Wildoners denied that Mrs. Wildoner had told police her husband had been drinking and caused the marks on her arm, and that there had been other incidents of abuse during their 48-year marriage. They also claimed that the knife was on the table, not the floor, and that Wildoner had been treated roughly by Zuhone and O'Donohue during the arrest.

A trial judge, acting on a motion for summary judgment, found the officers

had acted reasonably and dismissed the Wildoner's suit, but the suit was reinstated last year in a unanimous decision by an Appellate Division panel. The panel found there to be a genuine issue of fact based on the Wildoners' denial of any abuse having occurred, the dispute over the location of the knife and the conflicting stories about how Mrs. Wildoner's arm got injured.

In the face of these contradictions, the panel said, it was up to a jury to decide whether probable cause existed for Wildoner's arrest. The appellate panel also reinstated the punitive damage claims against the officers.

Had the state Supreme Court not reversed the decision, said Ramsey Police Chief Joseph J. Delaney, the effect could have had a devastating effect on domestic violence policies, with police becoming very hesitant to sign complaints.

"With this case, had we lost, you would have officers saying, 'I'm going to sign a complaint, then I'm going to be sued?'" It would have put a big dent in the domestic violence law across New Jersey, that's for sure," Delaney told Law Enforcement News.

In previous years, the chief said, police would try to work things out between a husband and wife. Delaney said he himself was once stabbed while handling a domestic violence dispute. Legal and procedural protection for

police when intervening in such cases was always assumed, he said, but the state's new law "put a lot of teeth" into enforcement.

"That's what the court took judicial notice of. They said they want the police to go ahead and do this because more often than not, the victim does not want to sign [a complaint] out of fear," said Delaney. "So what they've said to the police officer is, 'Okay, you sign, but you'll be protected.'"

Plainsboro Police Chief David Lyon, who represents the New Jersey Association of Chiefs of Police on a statewide working group on domestic violence and also sits on the New Jersey Advisory Board on Domestic Violence, said there was deep concern within the chiefs' association when the appellate decision was rendered. The lower court's ruling placed law enforcement officers in the peculiar position of being held accountable on the one hand for inaction under laws that give it a significant responsibility for protecting battered women, and then on the other hand holding officers liable for actions they might take pursuant to that mandate.

"There is a perceived immunity with domestic violence cases where the police act in a responsible and prudent manner while investigating these matters," Lyon told Law Enforcement News. "There is a good faith exception

to any liability for us. The decision at the appellate level raised concern because there was a belief that we had lost our immunity, that there was no longer that contention where it was our opinion that we were acting in a responsible manner during the course of the investigation. We were confident that when the Supreme Court looked at it, a decision in our favor would result."

In reversing the appellate decision, Justice Marie L. Garibaldi wrote that police responding to domestic violence calls must be allowed to consider all available information when assessing whether there is probable cause for an arrest. "Indeed, if probable cause to arrest cannot be based upon the reliable report of a concerned citizen, as supported by an officer's review of the totality of the circumstances, then law enforcement officers' willingness to make such arrests may be chilled by fear of civil liability for their actions."

The high court also addressed the 1994 statute, stating that in serving the goals of that law, police must be able to rely on their training and knowledge of domestic violence, including the unwillingness of many victims to tell them what has happened. The Legislature, said Garibaldi, sought to cure officers' reluctance to arrest alleged domestic abusers and the under-enforcement of domestic violence laws with the "no tolerance policy."

## Personal service & photo radar

The Arapahoe County, Colo., Sheriff's Department has come up short on available staff to serve residents caught speeding in Denver with photo-radar tickets, leaving authorities unable to throw much weight behind the threat of making motorists pay more if they insist on a hand-delivery by deputies.

Under a state law aimed at giving citizens the right to "face their accuser," the \$40 tickets must be served personally within 90 days of the alleged violation or they are invalid. While most people pay when they receive the notice by mail — which threatens higher fines and a visit by officers — others are taking advantage of the loophole.

Denver authorities have three white vans positioned around the city and take photos of speeders and their license plates. More than 140,000 tickets were sent out last year. Since October, some 400 photo-radar tickets have been sent by the Denver sheriff's office to Arapahoe County — which promptly sent them back again, said Arapahoe Sheriff Pat Sullivan.

Sullivan said he has nothing against photo-radar, but his deputies who do process-serving are handling time-sensitive materials, such as subpoenas, evictions and summonses. There is not enough staff, he said, for the volume of items the department must serve.

"We told them that we could not handle it, that it would go to the bottom of our priority list," he told The Denver Post. "We didn't know if we could do them at all."

In Adams, Boulder, Douglas and Jefferson counties, tickets are being served by deputies working overtime. Sgt. Attila Denes of the Douglas County Sheriff's Department said his agency has no trouble serving 25 tickets a month. While both Fort Collins and Boulder have photo-radar programs, they focus primarily on neighborhood streets and tend not to catch drivers from outside their jurisdictions.

Sullivan said he would have no objection to Denver County authorities serving tickets in Arapahoe County, but authorities there said that such an action would break with jurisdictional tradition. "It is more of a professional courtesy between the sheriff's department," said Jim Thomas, who handles photo radar for the Denver city attorney's office. "You don't come into our county and serve process and we don't go into yours," he told The Post.

## Too small to be legal: Oakland breaks new ground in banning palm-sized guns

They're small, they're deadly, and in at least one California city — so far — palm-sized handguns are illegal.

In February, Oakland became the first municipality in the nation to outlaw guns smaller than 6½ inches long and 4½ inches tall. The ordinance, introduced by Councilman Henry Chang, was unanimously approved by City Council members who also voted in favor of a law prohibiting minors and felons from entering gun shops.

With just one gun shop and three pawn shops that would be affected, Oakland's ban would seem largely symbolic were it not part of a larger strategy aimed at creating a regional ban and perhaps statewide legislation down the road.

"There have been discussions between us and San Francisco and other East Bay cities as to the desirability of us all enacting the same or similar ordinance, like we did with the 'junk gun' ban previously," said Patrick Tang, a deputy city attorney in Oakland.

Much of California's recent gun-control legislation, he noted, including the "junk gun" law that bans Saturday Night specials and other cheap firearms, the trigger-lock law and the one-handgun-a-month limit, began as city ordinances. Last August, Gov. Gray Davis signed a state law based on a "junk gun" ordinance first passed in West Hollywood and then in Oakland in 1996, which was later taken up by some 44 city and counties in California. The law will take effect in January 2001.

Chang and San Francisco Supervisor Alicia Becerra told The San Francisco Chronicle that they hoped their cities would serve as models for other California jurisdictions. Officials of the East Bay Public Safety Corridor Part-



Small, yes, but the palm-size handgun packs a wallop that was enough to get the attention of city officials in Oakland — and possibly throughout the Bay Area.

nership, a group that includes 26 localities in Alameda and Contra Costa counties, are on record in support of the ordinance. Last month, the group's executive director, Maria Theresa Viramontes, said she expected the partnership cities to be asked to follow suit.

"We think that because of the lock the [National Rifle Association] has on Congress and our state legislatures, really the only avenue, the model we could put out there, is coming from the grass roots up," said Tang.

Palm-sized pistols, which can fit as easily into a pocket as a cell phone, are small in size only. They can pack the same firepower as a 9mm. or even a .40-caliber firearm. Paul Bolton, a program coordinator for the International Association of Chiefs of Police who

provides technical assistance to law enforcement on how to detect handguns on individuals, said small firearms are always a concern for police.

Bolton told L&N he did not subscribe to banning all small handguns, many of which are used for self-protection. But, he added, "the smaller the handgun, and the easier it is to conceal, the more of a threat it is to police officers, especially in stressful situations with low light."

"You can't always pick out the shape of a handgun or a person holding a weapon," said Bolton. "I'm sure you've probably heard of many cases where a person has been shot and had something other than a gun in their hand."

According to Luis Tolley, Western Director of Handgun Control, Inc., the

palm-sized weapons are part of a push by the gun industry to gain greater market share. The introduction of smaller, more powerful weapons is in response to the NRA's efforts, he said, to have more states pass concealed weapons laws that allow guns to be carried in public. "The industry is essentially seeing this new market has developed for pocket pistols which are smaller, more compact, and at the same time, generally higher caliber to fit that new market niche," Tolley told L&N.

The ordinance in Oakland, said Tang, can be considered a preemptive move to stop gun makers from marketing ultra-compact handguns in a state without a concealed-weapon law. "If you're not legally allowed to carry this weapon, why are they selling it?" asked Tang. "Why should we allow the market to come here?"

As expected, gun-rights advocates are poised to file suit to stop enforcement of the ban. Chuck Michel, a Los Angeles-based attorney for the NRA and the California Rifle and Pistol Association, told The Chronicle that the law bans more than half the handguns on the market. Michel said he plans to file a suit on behalf of a group that would include as plaintiffs at least two gun manufacturers and organizations representing women and disabled gun owners, who may need the small weapons for self-defense or sport shooting.

That is exactly the course that gun-control advocates have seen in a series of gun laws in California, said Tolley. Oakland and San Francisco, he told L&N, "are essentially putting themselves forward as test cases, knowing they will be sued and willing to take that on. Then many more cities will step in and follow suit."



## Improving the odds

Of the 42 variables that were found by researchers to have "a significant effect on the likelihood of closing a [homicide] case," 37 were factors associated with police practice and policy:

Number of detectives assigned to the case (3 vs. 1; 4 vs. 1; 11 vs. 1).

Time for detective to arrive on scene (30-60 minutes vs. < 30 minutes).

Detectives described crime scene in notes.

Detective followed up on witness information.

Warrant requested for a suspect.

Crime scene (bar/club vs. public area; residence vs. public area).

First officer notified the homicide unit.

First officer notified medical examiner's office.

First officer notified crime lab.

First officer attempted to locate witnesses.

Measured crime scene.

Weapon found at crime scene.

Witness at scene provided valuable information (circumstances of death; motivation for death; identification of offender; identification of victim; location of offender).

Neighborhood survey provided valuable information.

Witness found who was not at crime scene.

Neighbors of victim interviewed.

Family members, friends, co-workers, roommates or neighbors provide valuable information.

Computer check conducted on suspect.

Computer check conducted on guns.

Computer check provided valuable information.

Computer system used (local criminal justice information system).

Attending physician/medical personnel interviewed.

Detective present at postmortem examination.

Specimens collected from decedent.

Projectiles recovered from decedent.

Medical examiner prepares a body chart.

Confidential informants provided valuable information.

Surveillance used.

Witnesses came forward on their own.

# Improving the chances of chalking up better homicide clearance rates

Continued from Page 1

found that this happened in 65 percent of the cases it examined. Although computer checks on witnesses and victims do little to increase the chance of solving a murder, said the study, running the suspect and the gun through the local Criminal Justice Information System increased the chances by as much as six times. The study found that information run through the FBI's DrugFire bullet tracing system, however, lowered the odds of a clearance.

The behavior of police at crime scenes plays a significant role, as well. Cases were less likely to be solved if the first officer at the scene failed to notify the homicide unit, medical examiner or crime lab. The chances of solving the case also fell if the first officer did not attempt to round up witnesses. Another key factor is the presence of detectives at the postmortem examination, which increased by nearly twice the likelihood of a clearance.

Other police practices found to affect the outcome include requests for warrants; measuring the crime scene; interviewing neighbors, friends and acquaintances of the victim; the preparation of a body chart; interviewing medical personnel, and whether detectives described the crime scene in their notes.

Wellford was quick to note that the findings do not constitute a new blueprint for homicide units. Most major city departments already have their own documents that outline investigative procedures, he said, which in all likelihood contain the same "commonsensical" practices.

"What our study might do is reinforce the importance of following that blueprint," said Wellford. "Our study of these 800 cases suggest that the blueprint isn't followed in every case. The kind of factors we lay out and are found in manuals and training procedures for homicide detectives are well known, they just need to be followed."

Where the study might be of service to police departments, however, is in highlighting how large a role the first

A retired detective adds his own nominee to the list of factors affecting case clearance: political interference.

responding officer plays in case clearances. Departments should consider updating the training that patrol officers get in homicide investigation procedures. Such instruction, he said, frequently does not get reinforced past an officer's pre-service days. As new forensic techniques come along, first officers at the scene need to know how to preserve evidence in a way that will allow law enforcement agencies to take advantage of new technology.

Moreover, agencies often do not make the most of information that can be found within their own walls, Wellford told LEN.

"The most difficult homicide cases to solve, the drug-related homicide, in those cases what you frequently need to do is figure out where that victim had problems in the drug culture," he said. "The best source of information for that is likely to be whatever unit in the department handles organized drug investigations. But in some departments there is a reluctance to share that information because it is highly confidential, it may be part of cases they're developing and yet it may be important in helping to clear a homicide."

One veteran New York City police detective pointed to another factor that can make clearing homicides difficult — politics. Bob Alongi, who retired last October after 30 years on the job, noted that many times, investigators will get calls within hours of a high-profile case erupting, from city officials who want information to use in a press release.

"That's screwing up many investigations," he told LEN. "Guys are under the gun, they're calling up, 'We need to know, we need to know.' You're sitting in a room, sometimes it takes eight hours to break a guy to get the information and they call in an hour

saying, 'What you got, what you got?'"

The murder of 26-year-old Amy Watkins, a graduate student from Kansas, was a blatant example, he said. Watkins was savagely stabbed to death on March 8, 1999, just blocks from her Brooklyn apartment. Her killer has not yet been caught. "In all my years at Brooklyn North, I never saw that kind of pressure on an individual homicide," Alongi said.

The authors of the study looked at 589 solved murders, or 74 percent of the total, and 209 unsolved cases, or 26 percent — a proportion of closed and open cases intended to match that of the entire caseload in each of the four test sites.

Researchers found that 93.2 percent were solved within a year, and 50 percent solved within a week. It took one day to close 28.7 percent of the cases, and two days to a week to close 21.2 percent. If cases were not solved within a year, they said, the chance of an arrest ever being made was low.

The study also found that in 43 percent of both closed and open cases, the predominant motive for murder was "other conflict," meaning an argument between the victim and offender that did not involve drugs or money. Some 26.4 percent of the homicides were drug related, and retaliation was cited as the reason in 22.7 percent of the cases.

More than half of the cases examined remained open for what the study called "myriad" reasons. An absence of physical evidence was listed as the cause in 17.2 percent of cases in all cities, followed by no witnesses in 10 percent.

Conversely, the overwhelming reason a case was closed, in 47.7 percent of cases, was the presence of witnesses at the scene who identified the offender.

Physical evidence collected at the crime scene closed just 1.9 percent.

Although Wellford and Cronin do not explore the reasons behind the decline in the nation's homicide clearance rates, their study acknowledges the hypotheses posited by earlier research. One of these is that police resources in recent years have been stretched, with the consequence being that fewer experienced investigators are available. Other studies have suggested that witnesses are less likely now to cooperate with police than they were in the past, making it less likely that alleged offenders will be identified, especially in stranger-to-stranger crimes.

Previous research also points to changes in the nature of homicides, from those involving family members to those involving the buyers and sellers of illegal drugs.

"There's been a very significant increase in the proportion of homicides that are not acquaintance homicides or family homicides, and those are harder to solve," said David Cavanagh, an expert on homicide clearance rates who has worked as a consultant with the FBI on management and technical issues pertaining to the Vi-CAP program. "Drug-related, robbery, sexual, all of those are increasing."

When Marvin Wolfgang did his original research in Philadelphia during the 1950s, Cavanagh said, about 76 percent of all homicides were between family members or acquaintances. In some cities now in the U.S., those proportions have been reversed.

Cavanagh believes that a good relationship between the community and local law enforcement is key to solving homicides. The fear that many people feel after witnessing a murder can be controlled if there is complete trust in the police department, he told LEN. Also, it gives police contacts in the community.

"The bottom line is that most information you get on a homicide is going to be from witnesses," said Cavanagh, "which means community relations are very important."

## Forward thinking, in reverse:

# "Reverse 911" shows its worth in Maine

When suspects from a violent burglary attempt in Portland, Me., fled into the woods of the nearby town of Scarborough, police there were able to notify residents within minutes, using a reverse 911 system that may soon be duplicated at law enforcement agencies around the state.

Reverse 911 technology, which uses a computerized database to make dozens of phone calls at once, is used by police departments in a number of United States cities, but Scarborough is the only locality in Maine that provides the service.

The department did not set out to be a trendsetter, however, said Chief Robert Moulton. The technology was purchased two years ago because it had a Guardian Call-In feature — a remote monitoring system that calls elderly residents at set times. "I wanted a program that would give us the ability to check on these shut-ins and have them feel a little more secure," Moulton said in an interview with Law Enforcement

News.

Once the department had the \$23,000 system and database, however, it was not long before officials realized it could be used in a variety of situations. The system is sophisticated enough to indicate whether a call was received or a message left on a machine. It can also be programmed to keep trying.

In January, community resources Officer Joe Giacomantonio put a recorded message on the system that went out to residents at 3:00 A.M. on the night a Portland man was shot and his family was terrorized by five bandits. Three of the suspects had crashed their getaway car in Scarborough and fled into the woods.

Using his computer's mouse, Giacomantonio outlined a four-square-mile area where the suspects were loose and sent a warning message to 400 residents — lock your doors, turn out the lights and be prepared for a door-to-door search by officers.

Two of the suspects were found hiding in a hunting trailer, but the third was captured several hours later after Richard Peterson saw a teenager who fit the message's description darting from the woods. He dialed 911. "Before I was off the phone with the dispatcher, they had him," Peterson told The Portland Press Herald.

Several months ago, police in Cambridge, Mass., used their reverse 911 system to alert residents that a community meeting about a serial rapist would be held. In December, Arlington, Va., residents were urged to be on the lookout for a man suffering from Alzheimer's who had wandered away from an adult day-care center. He was found seven hours later in Washington, D.C., after a caller's tip.

Last September, police in Bowling Green, Ky., sent an automated message to banks after learning of a counterfeit check-cashing scam. Police arrested a woman trying to pass a \$14,000 check after a teller dialed 911 within seconds

of receiving the notice.

In Scarborough, said Chief Moulton, the system has been used to notify residents that a convicted sex offender was moving into the neighborhood, and to issue evacuation warnings during hurricanes and other weather emergencies. In that case, police were able to ask residents to press "1" if they intended to comply, "2" if they needed help, and "3" if they meant to ride out the storm. Moulton said it gave law enforcement and fire personnel the advantage of knowing which homes to check when going door-to-door.

One drawback has been the need to manually update the system with new addresses and phone numbers, the chief said, since the equipment has no mechanism for making those changes automatically. "That's a limitation," Moulton acknowledged. Still, the department has used it for a lot of minor things. "I'd say in an emergency situation, we've probably used it eight or 10 times in the last two years."



# Police learn to act without waiting for SWAT

Just as Newport News, Va., police officers who roll up to a house on fire with victims trapped inside would not wait for the fire department before taking action, neither will they wait any longer for the police SWAT team in the event of an active shooting if there is a chance they can stop the deadly behavior themselves.

Haunted by last year's massacre at Columbine High School in Littleton, Colo., the Newport News Police Department completed a two-month Rapid Deployment Training program in December in which each of its 392 sworn personnel were taught how to function immediately as coordinated teams without waiting for a supervisor or assault team — which can take as long as 30 minutes to arrive — in the event of a Columbine-type emergency.

The 16-hour course was incorporated into the department's mandatory annual in-service training program and was also required of all sergeants, lieutenants and captains. Police Chief Dennis A. Mook said the training constitutes a shift away from the traditional model where officers are taught to stabilize the site, create a perimeter, and wait for a specialized unit with high-powered weapons.

Rapid Deployment Training, however, is not going to put the department's special tactical unit out of business. If officers cannot proceed safely after a careful assessment, they will not take the initiative. The department will still call out its SWAT team in such emergencies, said Mook, but while the team is on its way, first-responding officers may be able to "stop the carnage."

The agency did some soul searching after Columbine, he said, and realized that a similar tragedy could happen in Newport News. "We felt that if we had an active shooting incident where the shooting is ongoing and there was a sufficient number of officers on the scene who had already been trained to respond and can, in their judgment and evaluation, attempt to stop the act of killing or shooting, than by all means, they should try to realize that goal,"

Mook told Law Enforcement News.

Drawing from a variety of techniques taught by the National Tactical Officers Association (NTOA) and from other training programs, the course was developed by Sgt. Glenn Meadows, senior team leader with the NNPD's Tactical Assault Team. The basic philosophy of the course, he said, is that officers can no longer sit on the perimeter waiting for elite teams to handle a problem inside an office building or school. Participants readily agreed, Meadows said, after viewing tapes of the Columbine massacre and other school shootings as part of the training.

Participants then examined what the responsibilities of a first-responder were, he said. Under the new approach, the first officers on the scene may no longer be patrol officers working in the area. All sworn personnel, including detectives and administrative officers, must be prepared with their bulletproof vests, radios and secondary weapons if and when they hear a radio call announcing a school or office shooting.

"We told them that you can no longer not expect this to happen," Meadows said in a LEN interview. "Statistics have shown that something similar is going to happen, it's just a question of when. Have your bulletproof vest in the car, and if you hear this call, put it on and go assist."

Rapid deployment works roughly this way: The first responders assess the situation and gather whatever intelligence they can from hearing gunshots, listening to the reports of hostages fleeing the site or through their own personal observations. Then they wait for backup, directing the units to their location immediately if they are in a secure position.

Their primary responsibility, said Meadows, is to get enough officers at the scene to form a three- or four-person contact group. When the contact group makes entry into the school or office building, their goal is to locate the crisis point and stop the shooting. They do not stop to give aid to injured victims or do a room-by-room search.

"There are a couple of thoughts on this," said Meadows. "A lot of people say, 'My God, you're going to be stepping over injured children who are reaching out for you to help them. What we have to get across to officers and what we hope the public realizes is that those people have a much better chance' if the shooter can be stopped. 'Obviously, the medical assets are not going to be able to go inside' until what the department refers to as 'deadly behavior' is halted."

The contact group will move so as to have two guns facing forward and one taking up the rear guard. The formation gives 360-degree coverage so officers are prepared in the event an armed suspect pops out from a doorway. The department plans to follow up with increased firearms training at the range that will place officers in

groups and simulate firing in team formation, said Meadows. Once they encounter a gunman, the team is to overwhelm his senses with what it calls "speed, surprise and violence of action," which means approaching with weapons drawn and yelling at the person to get down.

"Hopefully, it overwhelms to the point where they are ready to give up," said Meadows. "Or, if they decide to try to harm a police officer by shooting at them, we're ready for it."

A key part of the training was teaching officers not to shoot first and ask questions later when confronted by a gunman, he said. They might face a situation in which the gunman has committed suicide and a student has picked up the weapon to bring it outside. "You have to identify the threat, and unfortunately, challenge that threat," said

Meadows. "Of course, if that threat is actively killing an innocent person as you round the corner and you see them, that's a different story."

With two children of his own in high school, Mook acknowledged that the Columbine shooting left him changed forever.

"I'll never imagined in my wildest thoughts that something like that could happen in the United States," he told LEN. "This [was] almost like a terrorist attack you'd read about in the Middle East. I think it opened all of our eyes about what the potential is in our country and that we probably have to do things a little bit different than we have in the past. Could it happen in Newport News? Yes, it could. What is the best way to handle something like that? Well, we think we should be doing this at the very least."

## ACLU says "Not so fast" to Annapolis no-loitering zone

Effort to clean up public housing complex to land in court

The American Civil Liberties Union in February made good its threat to sue the City of Annapolis, Md., and its Police Department over the enforcement of a new drug-loitering-free zone law in an apartment complex owned by the municipal housing authority.

Under the ordinance passed by the City Council last Oct. 11, police can order "known" drug users — anyone convicted of a drug offense over the past seven years or on probation — to leave the area. They are allowed to disperse those individuals if they engage in drug activity or behave in a manner which suggests it, such as repeatedly engaging in conversations with passers-by or cars, or making hand signals associated with drug activity. Residents of the buildings must apply at City Hall for "drug loitering-free-zone" status, a provision that was added in response to public clamor for such an option.

Four months after the law was passed, Council members on Feb. 14 unanimously approved the creation of the first zone for the Newtowne 20 public housing complex, and introduced resolutions that would set up three more in other city neighborhoods if approved.

A zone may be authorized if there have been more than three drug arrests nearby in the past three years, or within 500 feet of a resident's home.

The Newtowne 20 complex had applied for the designation last year because of a history of drug dealing and loitering in the area.

"We are clearly disappointed that they decided to go forward with this since it is clearly unconstitutional. But we're not surprised," Nicole Gray, an ACLU attorney, told The Capital, an Annapolis daily newspaper.

The measure has prompted fears that it would give police license to harass black residents and was denounced as racist by the organization and by the Anne Arundel County chapter of the NAACP, on whose behalf the ACLU lawsuit was filed.

Annapolis residents Larry Griffin, Kenith Dean Jr. and his wife, Parris Lane, who are also listed as plaintiffs in the lawsuit, work as drug counselors in the complex, and all have prior drug convictions. Griffin told The Capital

that his organization, We Care, which assists substance abusers and the homeless, would be required under the ordinance to restrict volunteers' counseling and other activities in the drug-free-loitering zone to avoid arrest.

Said Gerald Stansbury, head of the NAACP chapter: "We're concerned about the innocent folks. We want drug dealers arrested...but everybody in those areas are not drug dealers."

The legal challenge relies on a recent U.S. Supreme Court decision that struck down an anti-loitering law in Chicago aimed at dispersing gang members. In a memo to the City Council this month, Annapolis City Attorney Paul Goetzke said the law might need an amendment in order to pass constitutional muster, such as requiring an officer to witness suspicious activity before telling a person to leave. A proposal to table the resolution for 30

days to examine the law failed, however.

Herbert H. McMillan, a Republican from the city's Fifth Ward who proposed the 1999 law, said he was "elated" by the decision to create the anti-loitering zone, calling it "something that the residents wanted." McMillan said that the NAACP's involvement in the legal challenge to the measure showed the organization had become another "elite special interest group" out of touch with the people it was supposed to serve.

"It think it's a shame that the Anne Arundel County NAACP is more interested in maintaining its political alliance with local demagogues and extreme liberal organizations like the ACLU than it is in helping African-American families living in open-air drug markets," McMillan told The Capital.

## DoJ to local agencies: Get with the program(s)

A pair of new software programs that can aid local police agencies in assessing the effectiveness of their community policing programs and the sense of well-being in the communities they patrol are being made available for free by the Justice Department.

One program, the "Community Policing Beat Book," was released in January by the National Institute of Justice. It provides crime mapping software which can be accessed in the field on a laptop or in-car computer. The program allows officers to access electronic maps of the community that can display information on land use, demographics, businesses and landmarks, as well as crime incident sites.

Beat Book also gives users the ability to create and manage their own data, such as a list of informants along with their areas and locations, said a statement from NIJ. It can also be used to observe crime trends, enhancing an understanding of the patterns of serial criminals and offering hypotheses of where offenders may live.

"This new program will provide local law enforcement with a valuable crime-fighting tool, said NIJ director Jeremy Travis. "The addition of the Community Policing Beat Book will enhance community policing, which has already been shown to be highly successful in the reduction of crime."

In addition, DoJ's Bureau of Justice Statistics and the Office of Community Oriented Policing Services have made available to local police agencies a version of the software used by BJS in its National Crime Victimization Survey.

The software includes a user's manual and guide for conducting such surveys, and offers police the ability to augment or modify questions to suit local needs.

(Information about Beat Book software is available online at <[www.ojp.usdoj.gov/cmrc](http://www.ojp.usdoj.gov/cmrc)>. The crime victimization survey software, along with the accompanying manual and guide, are available on CD-ROM or can be downloaded from the BJS Web site <[www.ojp.usdoj.gov/bjs/cvs.htm](http://www.ojp.usdoj.gov/bjs/cvs.htm)>.)

## Does your sidearm measure up? (6 don't)

Six of 23 models of autoloading pistol that were submitted by manufacturers for evaluation under a voluntary federal program have failed to meet the minimum performance standards required for a law enforcement sidearm.

New and reissued models are assessed under the National Institute of Justice Standard-0112.03, which addresses new pistol design, caliber, headspace and the procedure for testing. The evaluations are conducted under the auspices of NIJ's National Law Enforcement and Corrections Technology Center. To comply with the standard, two samples of a pistol model must meet all requirements defined in the standard.

The standard examines for four handgun calibers: the 9mm. Luger, the .357 SIG, the .40 S&W and the .45 ACP. Any model that fails two or more requirements is deemed ineligible for retesting. Those that fail one of the standards can be retested in that area.

Three .40-caliber pistol models were found ineligible for retesting: the Kahr/

MK40, the Kimber/Stainless Ultra Carry and the SIG Arms/P229. All failed the firing requirement, which calls for the weapons to fire 600 rounds with no more than five malfunctions, no more than three due to faulty ammunition. The Kahr/MK40 also failed the drop safety test, which requires a weapon to be dropped from seven different angles from a height of four feet without firing, and the drop function test, which requires no structural damage to the pistol after the drop safety test. The Stainless Ultra Carry also failed the drop function test, and the P229 failed the drop safety test.

The .45-caliber Kimber/Ultra Carry did not meet the standard's dimensional requirements for bore barrel size or headspace, and neither the .357 SIG Taurus/PT957 nor the .45-caliber Taurus/PT945 passed the firing requirement. The last two can be resubmitted for testing provided the manufacturer sends a written explanation of why the model failed that part of the test and what corrective steps will be taken.



Aragon:

## Community policing: It's what up front that counts

By Randall Aragon

I was recently privileged to have been asked to serve as guest speaker at the awards ceremony for one of North Carolina's most prestigious law enforcement honors, the Governor's Award for Excellence in Community Policing. Immediately after the initial reaction — you know, the mixed feelings of elation and disbelief — I started pondering a deeper rationale as to why this was important for Randall Aragon, a cop, leader and CEO for a police department.

It was indeed an honor for me to stand amongst North Carolina's most committed community policing academicians, practitioners and supporters and address a topic that we all know has been regarded since the early 1970s as one of law enforcement's pivotal "magic bullets."

Having been the leader of an agency, Whiteville, that was the recipient of the Governor's Award in 1996, 1997 and 1998, I acquired the sensitivity to realize just how very important it is that recipients of this award not only display the plaque and signs, but also use these well-deserved accolades to help other agencies learn how to enhance the overall quality of life in their jurisdictions. Consequently, the address afforded me the opportunity to spread the gospel, blow the horn, toot the whistle and share some tips, acquired via trial and error, to insure that community policing is successfully implemented.

Serious crimes — forcible rape, robbery, aggravated assault, murder, larceny, auto theft and burglary — have declined nationwide for seven straight years. Even in North Carolina, a similar trend has been discerned. Reported serious crimes in the state decreased by 2 percent in 1998 compared to 1997. Within my own jurisdiction, Lumberton, reported crimes decreased by 8 percent during the same period. Why this decrease? Attorney General Janet Reno credits "more officers on the street, greater partnerships between law enforcement agencies, continued efforts to keep

guns away from criminals, and a balanced approach that includes prevention, intervention, punishment, and supervision." Reno also points out that regardless of our successes, "... we must not get complacent."

Although the Attorney General is unquestionably on target, one of the key ingredients she identified — more officers on the street — calls for some further refinement and commentary. True, this vision of placing approximately 100,000 officers on the street is the means by which a great many of our additional officers have been acquired. For example, in April this year, Lumberton was awarded a 15-officer UHP grant to the tune of \$1,009,000. But there's a caveat. The "strings

attached" for the receipt of such funding is that

**"The absence of creative joint problem-solving, empowering the residents of our neighborhoods and other community-based initiatives, will not create long-term successes in a jurisdiction."**

officers brought aboard must be engaged in a community policing function. While patrolling and answering calls for service are highly important functions of police officers, the absence of creative joint problem-solving, empowering the residents of our neighborhoods and other community-based initiatives, will not create long-term successes in a jurisdiction.

A case in point is the Kansas City Preventive Patrol Experiment of 1972, in which three beats of similar demographics but with differing patrol styles demonstrated that crime rates and citizen's fear of crime were not positively influenced to any significant degree by the different police strategies that were employed. This brings home one key principle — that having an adequate staffing of patrol officers is important, but the crucial element is employing our officers in the prevention and problem solving mode. This is paramount. Consequently, community policing and its underlying proactive philosophy and strategies are where the arrows have and will continue to point.

Consider a few factors that support the imple-

mentation of a community policing approach:

¶ Two-thirds of all crime occurs inside, not visible to the police.

¶ Most serious crimes are perpetrated within a short time frame; for example, the average armed robbery takes approximately 90 seconds.

¶ Patrol officers intercept less than 1 percent of street crimes.

¶ Even when police are notified of an ongoing criminal activity, offenders are caught in less than 4 percent of reported crimes — consequently, 95 percent of the time an individual will not be arrested by randomly patrolling police during or immediately after the commission of an offense.

¶ Six percent of all criminals commit 70 per-

cent of all crime.

¶ The same 10 percent of locations within a jurisdiction generate approximately 65 percent of that jurisdiction's total calls for service.

¶ Seventy-five percent of a jurisdiction's calls for service are cold; that is, the officer is being summoned to an incident that has occurred out of the presence of the victim. Of the other 25 percent that are "hot" calls for service, where the victim was a witness and present during the crime, 50 percent of such victims wait five minutes or more before alerting the police.

One does not have to build rocket ships to realize that law enforcement is already behind the power curve and must work on strategies for preventing incidents from occurring in the first place. The analogy I find highly applicable (and especially well received by aspiring law enforcement executives) is this: less successful agencies "shoot where the target was"; run-of-the-mill agencies "shoot where the target is"; successful agencies "shoot where the target is going."

The 1982 magazine article by James Q. Wilson and George Kelling entitled: "Broken Win-

dows: The Police and Neighborhood Safety," was a powerful exposition on crime control strategies that literally knocked the socks off most of us in law enforcement. A concise explanation of the "Broken Windows" thesis usually includes this rhetoric: "minor transgressions lead to progressively increased urban blight that in turn, will increase a jurisdiction's crimes, especially crimes of violence."

Let me place this in perspective. Though the "Broken Windows" article does not specifically mention community policing, it is replete with allusions to the advantages of foot patrol and its related attributes as an effective means of rectifying this "broken windows" dilemma — an Excedrin headache that communities across our nation are perennially encountering. George Kelling, in a 1999 interview with Law Enforcement News, indicates that the prevention principles that totally engulf community policing are the successful attributes to eradicating crime within our society.

Kelling provides four dynamic techniques, each of which is embodied within the community policing spectrum: felt presence, order maintenance, problem solving and, finally, law enforcement. When I think of "felt presence," I wonder if there must be a magazine somewhere called "Law Enforcement Traditionalist," because so many chiefs and their key executives who really do not embrace or practice community policing, communicate the same cliché, word for word: "Oh yeah, we've been doing that for years, though we didn't call it community policing." What they fail to recognize is the importance of this "felt presence." It's more than riding around in a patrol car. Remember the Kansas City Preventive Patrol Experiment? The officers need to be on the ground in the community and interacting with those within their area of patrol.

A few years ago, I decided to take a stab at publishing a "reader-friendly" article on community policing tips that law enforcement CEOs would buy into and enjoy reading, and that, hopefully, would assist their agencies. Following the publication of what I called my "Community-Oriented Policing Success Insurance Strategies" (FBI Law Enforcement Bulletin, December 1997), I was amazed when almost immediately I received calls from law enforcement executives all over the country thanking me for the assistance this written work provided. It featured 20 success insurance strategies that should afford any agency, small or large, the opportunity to be in the winner's circle — strategies that, at the risk of over-simplifying, include such themes as prioritization; organizational development; teamwork; long-term commitment; building partnerships; accountability and responsibility; problem-solving; recruitment and training; and rewards and discipline. These 20 strategies almost guarantee community policing success within an agency.

However, there is an indispensable principle that relates to this powerful crime control initiative. Never forget that "What's up front determines an organization's success; all the rest is background music." It is important that exuberance with community policing be especially embraced by those in the trenches, our front-line officers. Never forget that the police are the true infantrymen of democracy.

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

## NYPD weapons identification training



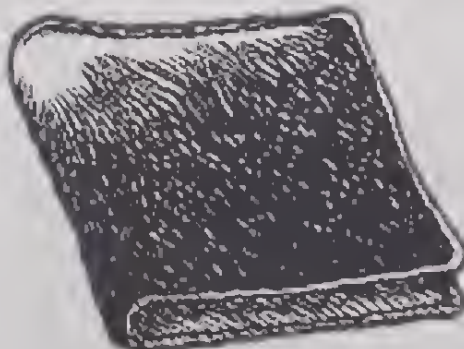
semi-automatic lipstick



38 mm house key



sawed off hankie



45 caliber wallet

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## Criminal Justice Library

# Changing organizations, changing people

A master's-level course in "transforming leadership"

### Every Officer Is A Leader: Transforming Leadership in Police, Justice and Public Safety.

By Terry D. Anderson, Ph.D.

Boca Raton, Fla.: CRC Press/St. Lucie Press, 1999.  
472 pp., \$39.95.

By Chet Epperson

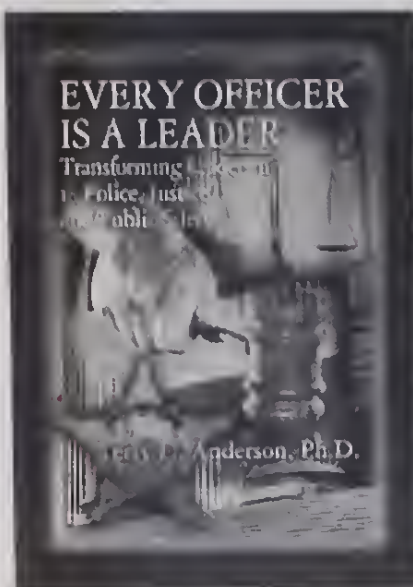
Today, community policing and problem ownership strategies are the dominant operational themes of most police departments. We have countless texts, journal articles and practical stories about these initiatives being implemented throughout policing and the entire criminal justice system. Implementing community policing and problem ownership concepts is also a prominent theme of Terry Anderson's, "Every Officer Is A Leader," the thesis of which is that police, justice and public safety agencies should first build the "leadership organization" and then build the "learning organization," which consists of community policing and problem ownership strategies.

In what is clearly one of the book's strong points, Anderson demonstrates how concepts of transforming leadership work well in the entire public safety system. He examines businesses and CEDs that use the transforming-leadership strategies and evaluates them as examples for others to build on. You can utilize Anderson's concepts whether you are a private sector or public service employee.

Anderson starts his book by allowing the reader to rate how well his or her organiza-

tion has implemented the building of a leadership organization to develop its full potential in preparing for the future. This initial rating of one's organization sets the tone for the remainder of the book. Anderson goes further in allowing readers to examine their own leadership styles, and in providing strategies for improving or building on those current leadership methods.

Throughout the book, Anderson focuses on strengthening individual initiatives and building the organization. In the first half of the book the reader can take a self-assessment leadership skill inventory. These self-assessments are used in a later chapter to build a personal leadership development plan. The reader is also able to draft a personal purpose statement and personal vision statement. Anderson is simply wonderful in his coverage of this entire area, and does a great job in examining the skills of personal mastery, interpersonal communication, counseling and problem management, team and organization development, and versatility in style, skill, and role. Anderson stresses the importance of the organization and how the culture must develop its people before it can move on to being a quality organization and developing a transforming leader. Culture and



human resource issues are areas of vital concern to a strong organization, Anderson points out, and provide a vital link to the making of a successful transforming leader.

Admittedly, it takes awhile in the book before Anderson actually defines transforming leadership, which he does in these terms: "vision, planning, communication, and creative action that have a positive unifying effect on a group of people around a set of clear values and beliefs, to accomplish a clear set of measurable goals. This transforming approach simultaneously impacts the personal development and corporate productivity of all involved."

Although Anderson takes his time in defining transforming leadership, the reader nonetheless gets a real feel for the theme due to the splendid coverage of material.

In a critical point of the book, Anderson asserts that without transforming leadership, organizations will suffer and fail to reach their full potential. Most of all, communities will suffer from its ill-trained police, fire and public safety workers. Anderson emphasizes transforming leadership as an active agent of positive change. Transforming leaders are positive individuals who seek to better themselves and improve for the future. They make mistakes along the way, but at least they attempted to make a change.

Some readers may get overwhelmed with the personal assessments and various components of the human resource section. Some may feel they are back in a college classroom, as the book is structured like a master's-level course. Be patient and continue the course; the finish is well worth it. Shrinking budgets, limited recruit pools, Generation X phenomena and changes in the world around us offer all the more reasons to read and absorb Anderson's book. It can be recommended without reservation to individuals who lead, who want to lead, or who enjoy practical reading on how to improve their personal and professional lives.

(Chet Epperson is the Patrol Administrative Sergeant with the Rockford, Ill., Police Department. A 19-year veteran with an M.B.A. from Rockford College, he may be reached at work: (815) 987-5876 or via e-mail: cepp@gateway.net.)

## Shining some light on underage drinking

Police in Texas are experimenting with new flashlights that can perform double-duty as alcohol-detection devices, as part of a pilot program aimed at better enforcement of the state's zero-tolerance underage drinking law.

The flashlights, which cost \$450 a piece, contain an electrochemical sensor which can determine the presence of alcohol from within 10 inches. When a button is pressed, an air sample is sucked in through a hole at the top of the device. Within 20 seconds, results are shown on a colored bar graph which rates blood-alcohol levels from green, for 0.01 percent, to red (0.12 percent).

Police do not have to obtain permission before turning on the flashlight's sensor because sampling air does not constitute an invasion of privacy. While the results are not admissible in court, the device yields enough information so that officers can ask a young person to take a field sobriety test or breathe directly into a stationary machine that measures blood-alcohol levels.

"That's the beauty of this thing," said Sgt. Mark Terrill of the Colleyville Police Department, one of five Dallas-area law enforcement agencies to receive the flashlights. "While you're talking to them, if you have a sneaking suspicion [that they've been drinking], you just press the button," he told The Dallas Morning News.

In 1997 the Texas Legislature passed a law prohibiting anyone under the age of 21 from driving after drinking any amount of alcohol. The previ-

ous drunken-driving standard for teenagers had been the same as for adults — 0.10. Since then, even the standard for adults has been lowered to 0.08.

Mothers Against Drunk Driving, which has its national headquarters in Irving, distributed 40 flashlights to law enforcement and state agencies in January. Bobby Heard, the national program director of MADD, said Texas has one of the highest percentages of alcohol-related traffic accidents in the nation.

Statistics from the state's Department of Public Safety show that in

1998, more than half of all vehicle crashes involved people who were drinking and driving, and 30 percent of all deaths caused by car crashes involved alcohol. Nationwide, of the 15,935 people killed that year in alcohol-related crashes, more than 2,000 were between 16 and 20 years of age.

Although the flashlight can also be used to detect alcohol in adult drivers, authorities said it will be used primarily to curb drinking among teenagers. Police can use it to cite minors for possessing or consuming alcohol.

Funding for the pilot program is coming from the National Highway Traffic Safety Administration and the federal Office of Juvenile Justice and Delinquency Prevention which purchased the devices from PAS Systems International, the Virginia-based manufacturer Jarel Kelsey, the company's president, said the flashlights were created in the early 1990s and are now being used in prisons, schools and police departments in at least 25 states.

Law enforcement agencies in Dallas, Colleyville, Garland, Richard and

Denton were given the devices. Fifteen flashlights were given to the Texas Alcoholic Beverage Commission, which plans to use them during checks for underage drinkers at keg parties, bars and other gatherings, said Maj. Dexter Simpson the agency's program coordinator.

"We hope that it's a deterrent," Heard told The Morning News. "Our hope is we can share this with other departments across the country and use this technology to help raise enforcement levels around zero tolerance."

### Putting the community in community policing:

## SDPD volunteers: extra bang, no more bucks

Continued from Page 1  
on what they wanted to do."

Members of RSVP attend a one-week academy and wear SDPD-designed uniforms which they purchase themselves. They perform the invaluable task known as YANA, or You Are Not Alone, in which they check three or four times a week on elderly residents without family who may have just had surgery. Each year, said Hanna, there is at least one case in which an RSVP volunteer is hailed as a hero for calling police after getting no response to a knock. "They get an officer to break in and save somebody's life," she said.

Among the most highly trained volunteers on the force are those in the crisis intervention group. The department

picks the top 75 to help officers in death-call situations, calling the morgue, getting long-term assistance and handling other queries for families.

The department sent the crisis intervention volunteers out to help with witnesses after a graduate student went berserk at San Diego State University in August 1996, gunning down three professors after a review panel had rejected his master's thesis. "We called crisis intervention to mingle among the crowd and the help people who saw what was going on," said Hanna.

One of the last traffic accidents Hanna handled while still a patrol officer involved a driver who only understood sign language and another motorist who only spoke Laotian, she said.

"I called interpreters to help me out — that's what they're there for, to stand at the elbow of an officer." The department has volunteer interpreters on call who speak Farsi, Urdu, Russian and various African languages, said Hanna.

The emergency management volunteers, who go out into the field in their own refurbished mobile van, are used to set up grid coordinates in case of a lost child or Alzheimer's patient. The department has also used them during the Super Bowl to monitor the crowds and detect trouble. They are trained not to intervene, she said. If they see a problem, they call in officers.

Sanders, the former chief, contends that policing does not make enough use of the services of volunteers, mainly

because many departments are afraid of giving some control to community members. Police unions, he said, have also made an issue of it in the past.

The SDPD, he said, has not faced that problem, although there was still some initial reluctance. The department went on to find that it was not only getting hundreds of thousands of hours donated by volunteers willing to do tasks which, from an officer's perspective, were mundane, but that the process promoted great interaction between police and the community.

"We had a lot of community members working right next to somebody in a lot of units," he said. "They became the people who spread the word about how open the department was."



# Diallo shooting trial ends in full acquittals

Continued from Page 1

"That was the whole essence, to get ahead of something that might happen, instead of letting something happen." Some 14 protesters were arrested for disorderly conduct after the verdict was read during a rally that drew about 300 people to the Bronx apartment building where the 22-year-old Diallo was killed.

The incident, the facts of which have become gospel to those in law enforcement, began at 12:40 A.M. on Feb. 4, 1999, when the four officers, members of the NYPD's plainclothes Street Crime Unit, spotted the unarmed African immigrant in the doorway of his building and mistook him for a possible push-in robber or rape suspect.

During the trial, the officers testified that they had been unnerved by Diallo's behavior. He did not acknowledge McMellon's prominently displayed badge or requests to have a word after police had stopped their vehicle in front of his building on Wheeler Avenue. Diallo, they said, had caught their attention because he was acting suspiciously, peering out from the stoop, then "slinking" back inside. Also, according to Carroll, Diallo matched a general description of a se-

## A deadly-force expert waives his usual fee to testify on behalf of accused NYPD officers.

rial rapist who had struck about a year earlier.

Instead, Diallo turned back into the building's vestibule, but could not get the door open. When the officers demanded that he stop and show them his hands, Diallo reached into his pocket and turned around in a manner that led them to believe he had a weapon. In a few seconds of deadly confusion, Carroll believed Diallo's black leather wallet was a weapon. He shouted "Gun!" and fired. The ricochet from bullets fired in a small space made the officers believe they were in the middle of a fire fight. In the end, they fired 41 rounds, and striking Diallo 19 times.

While acknowledging that they had made a mistake, the officers testified that the shooting was largely the fault of the victim by not responding to their commands. Under cross-examination, Carroll acknowledged that he had never

considered that Diallo might have had a legitimate reason for being where he was or that he lived in the building.

James J. Fyfe, a criminologist at Temple University and a former New York City police lieutenant, supported the actions of the officers, testifying that they had broken no departmental guidelines. But in a subsequent interview with The Times, Fyfe noted that the shooting did raise questions about the Street Crimes Unit and its tactics.

The Diallo incident, he said, highlights the need for police officers in street clothes to find a better way of approaching the public. While civilian attire is necessary for surveillance, Fyfe told The Times that perhaps officers could wear some article of clothing with the NYPD logo — maybe a sweater — when they stop people they simply want to question.

He was also sharply critical of the

NYPD's decision in 1997 to triple the size of the elite squad to 350 members, a move that he said deprived the department of the ability to school the new officers in the culture of the unit. Increasing the unit by that magnitude left no opportunity for trial and error, said Fyfe, who usually testifies as an expert for the prosecution in such cases, but waived his fee in the Diallo case to take the stand on behalf of the officers.

Indeed, the unit's veteran officers had been reportedly furious with Safir's decision at that time to increase the size

of the unit, contending that it diluted the intensity of the specialized training and all but eliminated its selective screening process.

Fyfe also pointed out that a team of four officers who had not had much of a chance to work together — as was the case with McMellon, Boss, Carroll and Murphy — was less desirable than having a team of two or three officers who knew each other's habits well. "Having someone in charge is important," he said. "Working with someone you don't know, it becomes difficult."

## Special prosecutor clears Hartford officer in shooting of black teen

A special prosecutor appointed by Connecticut officials to investigate the fatal shooting of an unarmed black teenager by a white, Hartford police officer last April concluded this month that the shooting was justified because the patrolman feared for his life when he saw what appeared to be a gun in the hand of one of the suspects.

According to a 208-page report issued by New London state's attorney Kevin Kane, Officer Robert Allen found himself in a situation that was "tense, uncertain and rapidly evolving" after chasing four robbery suspects he believed were armed during the early morning hours of April 13.

The prosecutor's presentation on Feb. 17, which included a 10-minute review of police radio traffic prior to the shooting and a slide show of 37 photographs documenting the state's forensic evidence, offered a detailed account of the minutes leading up to the death of 14-year-old Aquan Salmon. Allan told investigators he had been on the lookout for a white Cadillac that witnesses to a mugging had said held four black males and two guns. He told investigators that he had spotted the car at 2:09 A.M. and pursued the suspects on foot after their vehicle got hung up on a pile of asphalt.

During the chase, Allen said he thought he heard a gunshot. Then he said he saw what appeared to be a gun in one of the suspect's hands.

Salmon was in the back seat and was among the last to leave the Cadillac. He approached the officer from behind and began running past him on the right. Allan ordered him to stop, and when the teenager made a sweeping motion toward his waistband, the officer shot him once in the back.

Two \$7.50 gun-shaped cigarette lighters that the suspects had purchased that day at a neighborhood store were recovered from the scene, one in the lot where Salmon was killed, and the other on the front seat of the Cadillac. Neither was carried by the victim at the time he was shot, however.

In absolving the officer in the youth's death, Kane wrote that in the darkened lot, "Almost any sudden movement by him [Salmon] that was not an absolutely clear compliance with Officer Allan's order to freeze, would reasonably be perceived by a person in Officer Allan's position as an attempt to shoot him."

The results of Kane's 10-month investigation did nothing to assuage the city's minority community, however. Last year, local clergy and civil rights

activists led a series of protests and rallies denouncing Salmon's death as an example of racist police tactics. Community leaders were successful in drawing the attention of Gov. John Rowland to the situation when they threatened to disrupt a victory parade for the University of Connecticut basketball team. Rowland took the investigation out of the hands of the Hartford Police Department and appointed Kane to conduct the inquiry.

Louis Watkins, a Hartford City Council member, said the report's conclusions were never in doubt. "The community was saying Allan would get off all along; this is not a surprise," he told The New York Times.

Investigators never found evidence that the sound Allan heard was a gunshot. The state's director of public safety, Henry Lee, a world-renowned forensic scientist, said that the noise could have come from any of the fleeing suspects stepping on a branch or bottle in the debris-strewn lot.

But the central figure in Kane's report was Salmon's friend, 15-year-old Ellis Thomas. According to the findings, Thomas was the eyewitness who told investigators that Salmon had turned swiftly toward the officer. In his initial interview with police just after learning that his friend had died, Kane's reportedly said: "the cop had his gun out and yelled to [Salmon] to stop and [Salmon] turned around real fast towards the cop, and the cop must have thought [Salmon] had a gun too and shot him."

Thomas subsequently changed his account during a second statement, stating that the victim was shot before he had a chance to turn toward Allan. Kane noted that the officer had showed restraint in not shooting Thomas, who was fleeing from a serious crime. That demonstration lent credibility to Allan's report that he was in fear for his life, said the report.

Although Kane's findings determined whether use of force was justified in the shooting, a wider Federal probe anticipated by lawyers for both the officer and Salmon's family would more closely examine the officer's decisions before the incident occurred, as well as his perceptions about race, said U.S. Attorney Stephen Robinson, the top-ranking federal prosecutor in the state.

Robinson's spokeswoman, Delcie Thibault, told The Hartford Courant that Robinson has not yet finished reviewing the case or determined whether he will initiate an inquiry.

## Headlines are not enough

Affirmative-action programs looking a little black & blue

The jury is still out on community policing

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Maternity-leave

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## OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

The Office of the Police Ombudsman for Northern Ireland was established by the Police (Northern Ireland) Act 1998 to provide independent control of the police complaints system. The Police Ombudsman will receive and investigate all complaints about the police, not only about conduct but also where the action complained of involves allegations of criminal behaviour, and will make recommendations for criminal and disciplinary action. In addition, the Police Ombudsman will publish reports and make policy recommendations. To assist her in undertaking her statutory duties, the Police Ombudsman is seeking to recruit suitably experienced staff for the following roles within the Investigation Directorate, which will be based in Belfast.

### CHIEF INVESTIGATION OFFICER - REF: OPONI 5/2000

Salary Scale - £41,550 to £65,270

Reporting to the Chief Executive and a member of the senior management team, the post-holder will direct the work and staff of all teams within the Investigation Directorate. In addition, the post-holder will be responsible for staff in the Complaints, Supervision and Discipline Directorate, the body responsible for the referral of complaints. Duties will include:

- Overseeing the work of the Complaints, Supervision and Discipline Directorate;
- Development and implementation of a strategy for the Investigation Directorate;
- Allocating and monitoring the progress of investigations, providing advice and guidance when necessary;
- Responsibility for ensuring the quality of all investigations undertaken;
- Management and development of team members;

- Management of the Directorate's budget; and
- Monitoring the performance of the Directorate.

Applicants must have:

- A 2:1 Honours degree or professional qualification in a relevant subject;
- A sound knowledge of relevant criminal law and its application;
- A proven record of leadership and strategic management in an investigatory environment; and
- A good command of both oral and written English.

### SENIOR INVESTIGATION OFFICERS - REF: OPONI 6/2000

Salary Scale - £20,926 to £33,584

Reporting to the Chief Investigations Officer, the post-holders will each manage the work and staff of two investigation teams and their support staff. Duties will include:

- Allocation and supervision of investigations, providing advice and guidance as necessary;
- Ensuring the quality of investigations undertaken;
- Undertaking the investigation of particularly complex cases;
- Preparation of papers for submission to the Director of Public Prosecutions; and
- Managing the performance of, and developing team members.

Applicants must have:

- A 2:1 Honours degree or equivalent;
- A sound knowledge of relevant criminal law and its application;
- A proven record of team management (a minimum of 5 out of the last 7 years) in an investigatory environment; and
- A good command of both oral and written English.

### INVESTIGATION OFFICERS - REF: OPONI 7/2000

Salary Scale - £17,494 to £27,459

Reporting to a Senior Investigation Officer, and working as part of a small investigation team, the post-holder's duties will include:

- Conducting investigations in accordance with agreed guidelines;
- Ensuring the accuracy and completeness of investigations; and
- Preparing papers for submission to the Director of Public Prosecutions.

Applicants must have:

- 2 A Levels or equivalent;
- GCSE Maths and English Language or equivalent (Grade C and above);
- A sound knowledge of relevant criminal law and its application;
- A minimum of 3 years' experience gained in the last 5 years in an investigatory environment; and
- A good command of both oral and written English.

A 3rd level qualification such as a degree would be desirable.

For each of the above positions, applicants must also have a current driving licence and access to a car. In addition, appointees should possess a full understanding of and commitment to the fundamental principles of human rights, and a comprehensive understanding of the sensitive social, cultural and political environment within which the work of the Police Ombudsman operates.

For each of these positions, a job description and application form can be obtained by e-mailing your request to [helen.c.foster@uk.pwcglobal.com](mailto:helen.c.foster@uk.pwcglobal.com), remembering to quote the appropriate reference number. Alternatively you can telephone Paul Terrington or Helen Foster on +44 28 9089 1451 and leave your contact details.

The closing date for receipt of completed applications is Monday 1st May 2000.

The Police Ombudsman for Northern Ireland is committed to equality of opportunity in employment and welcomes applications from suitably qualified candidates irrespective of disability, gender, race, religious belief, political opinion or sexual orientation. All applications for employment will be considered on the basis of merit.



# Law Enforcement News

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## Chalking up better homicide clearance rates

37 things police can do to boost the chances of saying "case closed." On Page 1.

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### What They Are Saying:

**"This is a piece of research that pretty clearly demonstrates that police make a difference."**

— University of Maryland criminologist Charles Wellford, lead author of a new multi-jurisdictional study of variables that affect homicide clearance rates. (Story, Page 1.)